

Michael D. Rounds (Nevada Bar No. 4734)
Ryan Johnson (Nevada Bar No. 9070)
WATSON ROUNDS
777 North Rainbow Blvd., Suite 350
Las Vegas, NV 89107
Telephone: (702) 636-4902
mrounds@watsonrounds.com
rjohnson@watsonrounds.com

Steve W. Berman (Admitted *pro hac vice*)
Andrew M. Volk (Admitted *pro hac vice*)
Hagens Berman Sobol Shapiro LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292

Nicholas S. Boebel (Admitted *pro hac vice*)
Hagens Berman Sobol Shapiro LLP
5001 Chowen Ave. S., Suite 2000
Minneapolis, MN 55410
Telephone: (612) 435-8644

Attorneys for Plaintiff Integrated Technological Systems, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

INTEGRATED TECHNOLOGICAL
SYSTEMS, INC.,

Plaintiff,

v.

GREEN DOT CORPORATION,

Defendant.

Civil Action No. 2:11-cv-01626-GMN-(PAL)

**STIPULATION REGARDING PARTIAL
ALIGNMENT OF CASES AND MOOTING
OF PLAINTIFF'S MOTION TO
CONSOLIDATE CASES**

AND ORDER

///

///

///

///

///

On Tuesday May 29, 2012, Integrated Technology Systems, Inc. ("ITS") and Green Dot Corporation ("Green Dot"), along with NetSpend Corporation ("NetSpend"), met and conferred regarding Plaintiff's Motion to Consolidate Civil Action No. 2:11-cv-01625-GMN-(GWF) (Dkt. 30) and Civil Action No. 2:11-cv-01626-GMN-(PAL) (Dkt. 24) ("the Actions"). The parties in the respective Actions reached agreement on measures to partially align the cases that the parties believe will minimize the burden of the litigations on the parties and the Court and moot ITS's Motion to Consolidate. All information required pursuant to Local Rule 26.4 was submitted to the Court on May 29, 2012 in the parties' Stipulated Request For Extension of Deadlines (Dkt. 51) and is incorporated herein by reference.

It is hereby stipulated by and between the parties through their counsel of record as follows:

1. The respective Actions shall be assigned to a single magistrate judge for further pre-trial proceedings;
2. The respective Actions shall proceed on parallel schedules through and including the discovery cut-off date as set forth below:

Defendant to serve initial disclosure of noninfringement, invalidity and unenforceability contentions pursuant to Local Rule 16.1-8	June 7, 2012
Defendant to produce documents accompanying initial disclosure of invalidity contentions pursuant to Local Rule 16.1-9	June 7, 2012
ITS to serve response to initial noninfringement, invalidity and unenforceability contentions pursuant to Local Rule 16.1-10	June 21, 2012
All parties in both Actions to exchange proposed terms for claim construction pursuant to Local Rule 16.1-13	July 5, 2012

STIPULATION REGARDING PARTIAL
ALIGNMENT OF CASES

1	All parties in both Actions to meet and confer regarding claim terms pursuant to Local Rule 16.1-13	July 11, 2012
2		
3	All parties in both Actions to exchange preliminary claim constructions and extrinsic evidence pursuant to Local Rule 16.1-14	July 27, 2012
4		
5	All parties in both Actions to submit common Joint Claim Construction and Prehearing Statement pursuant to Local Rule 16.1-15	August 10, 2012
6		
7		
8	ITS to submit opening claim construction brief pursuant to Local Rule 16.1-16	September 17, 2012
9		
10	Each Defendant to submit responsive claim construction brief pursuant to Local Rule 16.1-16	October 5, 2012
11		
12	ITS to submit consolidated reply claim construction brief pursuant to Local Rule 16.1-16 of up to 40 pages	October 19, 2012
13		
14	<i>Markman</i> Hearing in both Actions	TBD
15	Expert Disclosures on Issues for which a Party Bears the Burden of Proof	30 days after the <i>Markman</i> decision
16	Rebuttal Expert Disclosures	60 days after the <i>Markman</i> decision
17	Discovery cut-off date	120 days after the <i>Markman</i> decision
18		

19 With the exception of the date for submission of Plaintiff's reply claim construction brief, which
20 is extended by seven (7) days, all other dates remain unchanged from the Actions' respective
21 Scheduling Order and the respective Stipulated Request For Extension of Deadlines. The
22 Scheduling Order shall not be further modified in either Action absent a showing of good cause,
23 and any modification of the above deadlines in either Action shall apply to both Actions.

24 3. The *Markman* hearings in the Actions shall proceed concurrently on a date and in
25 a manner determined by the Court. The dispositive motion deadline and any dispositive motion
26

STIPULATION REGARDING PARTIAL
ALIGNMENT OF CASES

hearings in the respective Actions shall proceed concurrently on a date and in a manner determined by the Court. Except for the scheduling coordination and common submissions noted above, the Actions will remain separate; and their respective Rule 26(f) Reports, Protective Orders, and Discovery Plans shall be unaffected by this Stipulation.

4. Plaintiff's Motion to Consolidate (Dkt. 24) is **DENIED AS MOOT**. The hearing on Plaintiff's Motions to Consolidate set for June 5, 2012 is **VACATED**.

DATED: June 1, 2012

Michael D. Rounds, Nevada Bar No. 4734
Ryan Johnson, Nevada Bar No. 9070
WATSON ROUNDS
777 North Rainbow Blvd., Suite 350
Las Vegas, NV 89107
Telephone: (702) 636-4902
mrounds@watsonrounds.com
rjohnson@watsonrounds.com

By: s/ Steve W. Berman
Steve W. Berman (Admitted *pro hac vice*)
Andrew M. Volk (Admitted *pro hac vice*)
Hagens Berman Sobol Shapiro LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: (206) 623-7292

Nicholas S. Boebel (Admitted *pro hac vice*)
Hagens Berman Sobol Shapiro LLP
5001 Chowen Ave. S., Suite 2000
Minneapolis, MN 55410
Telephone: (612) 435-8644

*Attorneys for Plaintiff Integrated
Technological Systems, Inc.*

W. West Allen
LEWIS AND ROCA LLP
3993 Howard Hughes Pkwy, Suite 600
Las Vegas, Nevada 89169
Telephone: (702) 949-8230
Facsimile: (702) 949-8364
wallen@lrllaw.com

By: s/ Ameer Gado
J. Bennett Clark (Admitted *pro hac vice*)
Ameer Gado (Admitted *pro hac vice*)
BRYAN CAVE LLP
211 N. Broadway, Ste. 3600
St. Louis, Missouri 63102
Telephone: (314) 259-2000
Facsimile: (314) 259-2020
ben.clark@bryancave.com
aagado@bryancave.com

*Attorneys for Defendant Green Dot
Corporation*

IT IS SO ORDERED this 4th day of June, 2012.



Gloria M. Navarro
United States District Judge